

Regular Session, 2010

SENATE BILL NO. 398

BY SENATOR RISER

UNEMPLOYMENT COMP. Provides relative to employment records and reports for purposes of unemployment insurance. (8/15/10)

AN ACT

To amend and reenact R.S. 23:1660(C)(1), relative to employment records and reports for purposes of unemployment insurance; to provide relative to the confidentiality of information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1660(C)(1) is hereby amended and reenacted to read as follows:

§1660. Employment records and reports; inspection by administrator; confidentiality of records; prohibition against subpoena

* * *

C.(1) Information, statements, transcriptions of proceedings, transcriptions of recordings, electronic recordings, letters, memoranda, and other documents and reports thus obtained, or obtained from any individual, claimant, employing unit, or employer pursuant to the administration of this Chapter, except to the extent necessary for the proper administration and enforcement of this Chapter, shall be held confidential and shall not be subject to subpoena in any civil action or proceeding, nor be published or open to public inspection, other than to public employees in the performance of their public duties, including the office of workers'

1 compensation for information as to the limited questions of whether benefits have
2 been paid and for which period of time for limited purposes of resolution of any
3 workers' compensation claim dispute or fraud investigation under the Workers'
4 Compensation Act, in any manner revealing the individual's or employing unit's
5 identity. However, if requested, an employing unit or employer shall receive with
6 any "notice to appear for a hearing" a copy of the statement which the claimant made
7 regarding his separation from that employing unit or employer and in the same
8 manner, and on the same subject, the claimant shall receive a copy of the employer's
9 statement. Additionally, any claimant or his duly authorized representative, at a
10 hearing before an appeal referee or the board of review, shall be supplied with
11 information from such records to the extent necessary for the proper presentation of
12 his claim.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Riser (SB 398)

Present law provides that employment records and reports shall be held confidential and not subject to subpoena, publication, or public inspection, except for public employees in performance of their public duties. Specifies that the office of workers' compensation shall have access to answers to limited question regarding whether benefits have been paid and the period of time paid.

Proposed law removes the office of workers' compensation qualification regarding information in response to the limited questions regarding length of time benefits have been paid.

Effective August 15, 2010.

(Amends R.S. 23:1660(C)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill.

1. Amendments remove restrictions on the use of information used by the office of workers' compensation, within the context of fraud investigations.